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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/06/2006

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EXAMINER

DENNISON, JERRY B

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/029,735	Applicant(s) SAINI ET AL.	
	Examiner J. Bret Dennison	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,9,26,28,29,31-34 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,9,26,28,29,31-34 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Application Number 10/029,735 received on 30 December 2005.
2. Claims 1, 6, 9, 26, 28, 29, 31-34, and 38 are presented for examination.

Remarks

3. Applicant's arguments filed on 30 December 2005 have been carefully considered but they are not deemed fully persuasive. Applicant has not provided any arguments regarding the 35 U.S.C. 112, first paragraph rejection of claim 6. Claim 6 has not been amended to cure the enablement issues and therefore, the rejection is maintained.

Examiner would like to point out that any amendments made to the claims require certain identifiers, for example, currently amended claim 29 contains amendments that have not been identified by underlining the changes (i.e. "a subset of" and "a"), which normally results in a Non-Responsive.

Applicant's amendments to the claims and arguments are addressed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The Specification recites, "The component programs present on each node are **only concerned with** taking the data presented by **the controller programs** on their input ports, processing the data and writing the results to their output ports. **The controller programs provide an infrastructure for the component programs to interact with each other...**" (see Specification, page 9 lines 30-34).

Claim 6 recites, "The system as recited in claim 1 wherein the component programs are adaptors for communicating with external applications that are not installed within the system".

In short, claim 6 states the component programs performing the communication with each other. However, the Specification states that the component programs are only in communication with the controller programs which handle communication between different systems.

Examiner's understanding of the intended invention is that the complexity of the component programs is reduced due to the fact that they do not handle the communication process between component programs. This raises questions of enablement to Examiner and further explanation is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 26 recite the limitation (or one similar to it) "in which the distributed application is composed externally". It is vague and unclear to Examiner as to what the distributed application is external to, with respect to what element. The claim currently reads as externally to anything and therefore has little patentable weight.

6. Claim 1 recites the limitation "said component program" in line 2 of limitation a. Claim 1 also recites "the component program" in lines 3-4 of limitation c. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 9, 26, 28, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Ciscen et al. (U.S. Patent Number 5,634,010).

7. Regarding claims 1 and 26, Ciscen disclosed a system for developing distributed applications over a network of computing units, the system comprising:

a. a plurality of component programs installed over the network of computing units to create the distributed application, wherein said component program receives

data presented at its input ports, processes said data and writes the results to its output ports (Ciscon, col. 2, lines 31-45);

b. a plurality of data stores on one or more of the computing units in which the distributed application is composed externally by specifying the component programs that make up the application, the communication routes between the component programs, and the nodes on which the component programs are to run (Ciscon, col. 2, lines 45-65, col. 11, lines 5-25); and

c. multiple controller programs running on multiple computing units in the network for transmitting data to said input ports of the component program and receiving data from said output ports of the component programs and for transmitting and receiving data with controller programs and disseminating said routing information to other controller programs (Ciscon, col. 2, lines 45-60).

Claims 26 and 39 include limitations that are substantially similar to those of claim 1, and are therefore rejected under the same prior art as claim 1.

8. Regarding claim 6, Ciscon disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the component programs are adaptors for communicating with external applications that are not installed within the system (Ciscon, col. 3, lines 5-10).

9. Regarding claim 9, Cisco disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the data store can be replicated for high availability on a multiplicity of computing units (Cisco, col. 2, lines 57-62).

10. Regarding claim 28, Cisco disclosed the limitations, substantially as claimed, as described in claim 26, including wherein the registering comprises:

- installing component programs on the computing units;
- specifying the external resources required by the component programs;
- specifying the input and output channels of the component programs; and
- making the component programs accessible to said computing units (Cisco, col. 2, lines 45 through col. 3, line 20, Cisco disclosed that the local router processes acting as an interface between application processes and other routers, each router having a connection table which maintains a list of the child processes connected to the local router, the application processes installed on computers throughout the network, therefore the application processes must be installed, the local routers keeping track of the connections, therefore specifying external resources and providing routes, making the application processes accessible).

11. Regarding claim 29, Cisco disclosed the limitations, substantially as claimed, as described in claim 26, including wherein composing the distributed application comprises the steps of:

choosing a subset of component programs from a set of component programs
adding and specifying the routes between the component programs;
specifying the computing unit on which the component program is to be run;
defining run time attributes of the component programs
defining various attributes of the routes; and
storing the composed distributed application in a data store (Ciscon, col. 2, lines 45 through col. 3, line 20, Ciscon disclosed that the local router processes acting as an interface between application processes and other routers, each router having a connection table which maintains a list of the child processes connected to the local router, the application processes installed on computers throughout the network, and an interest table that lists the interests of its child processes as well as the interests of the other local routers, the routers therefore having a subset of component programs as well as the routes, and attributes of the routes).

12. Regarding claim 31, Ciscon disclosed the limitations, substantially as claimed, as described in claim 29, including wherein the defining attributes of the routes comprises defining the route type as peer-to-peer (Ciscon, col. 14, lines 15-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art in the Background of Applicant's Specification, hereinafter referred to by APA.

13. Regarding claims 1 and 26, APA disclosed a system for developing distributed applications over a network of computing units, the system comprising:

a. a plurality of component programs installed over the network of computing units to create the distributed application, wherein said component program receives data presented at its input ports, processes said data and writes the results to its output ports (APA, page 1, lines 18-25, page 2, lines 4-12, APA disclosed a single large program split into separate programs that worked together to perform the assigned task, the programs spread across hardware and software systems);

b. a plurality of data stores on one or more of the computing units in which the distributed application is composed externally by specifying the component programs that make up the application, the communication routes between the component

programs, and the nodes on which the component programs are to run (APA, page 2, lines 18-35, page 3, lines 10-14, 20-25, APA states that the routes and workflow are stored within the memory of the system); and

c. multiple controller programs running on multiple computing units in the network for transmitting data to said input ports of the component program and receiving data from said output ports of the component programs and for transmitting and receiving data with controller programs and disseminating said routing information to other controller programs (APA, page 3, lines 10-20, APA disclosed the workflow and data routes within the application code itself while integrating with different applications, therefore the controller programs combined with the component programs).

14. Claims 32-34, and 38 include limitations that are substantially similar to those of claims 1, 6, 9, 26, 28-31 and are therefore rejected under the same prior art used in the rejections of claims 1, 6, 9, 26, 28-31 as being substantially similar.

Response to Amendment

15. Applicant's arguments and amendments filed on 30 December 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new*

limitations into the independent claims, which will require further search and consideration) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to claims 1, 6, 9, 26, 28, 29, 31-34, and 38 have been fully considered but they are not persuasive.

Applicant states, "Claim 1a has been amended to include the definition of the component program" in which "the component program... only receives, processes and transmits data." Applicant argues that the component program "is not burdened with routing intelligence" and states that this is a "significant method step difference over Ciscron" [see Applicant's Response, page 8, last paragraph].

Examiner respectfully disagrees. The claim language does not distinguish over the prior art because the claim language does not only require the limitations of the claim. The claim language does not exclude the component program from having addressing and routing information." Therefore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "only receives, processes and transmits") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Ciscron does not disclose a data store created externally [see Applicant's Response, page 9, third paragraph]. As shown in the above rejection,

it is unclear as to what is meant by the term “externally” in the claim, for instance, “external with respect to what?”, and therefore has little patentable weight.

Regarding the third limitation of claim 1, Applicant argues, “Ciscon et al. does not disclose an element of similar structure or functionality in its system.” Examiner respectfully disagrees, as explained in the provided rejection.

Applicant argues that “applications” discussed in Applicant’s Admitted Prior Art are not equivalent to the component programs of claim 1 [see Applicant’s Response, page 11, paragraphs 1-2]. Examiner respectfully disagrees, and Applicant is referred to the reasons as stated above, involving the term “only”.

Thus, Applicant’s arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Ciscon clearly disclosed the independent claims of the Applicant’s claimed invention.

Furthermore, as it is Applicant’s right to continue to claim as broadly as possible their invention, it is also the Examiner’s right to continue to interpret the claim language as broadly as possible. It is the Examiner’s position that the detailed functionality that allows for Applicant’s invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. By the rejection above, the

applicant must submit amendments to the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2143

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